IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO : 19481 of 1994

Between:

1 B.Sanjeevarayappa, S/o. Venkataramanappa,
R/o. Kodiganahalli(V), Parigi (M),
Anantapur Dist.
2 B.Lakshmayya, S/o. Venkataramanappa,
R/o. Kodiganahalli(V), Parigi (M),
Anantapur Dist.
3 B.Subbarayappa, S/o. Venkataramanappa,
R/o. Kodiganahalli(V), Parigi (M),
Anantapur Dist.
4 B.Venkatamma, W/o. Venkataramanappa,
R/o. Kodiganahalli(V), Parigi (M),
Anantapur Dist.
5 B.Sriramulu, S/o. Venkataramanappa,
R/o. Kodiganahalli(V), Parigi (M),
Anantapur Dist.

..... PETITIONER(S)

AND

1 The C ommissioner of Land Revenue,
A.P.,Hyderabad.
2 The Dist . Collector,
Anantapur.
3 The Mandal Revenue Officer, Parigi,
Anantapur.
4 K.Subbanna.
5 M.Anjinappa.
6 P.Mullappa,
7 K.Narayana.

8 N.Nanji Goud.
9 B.Gangadhar.
10 M.Krishappa.
11 Sivappa.
12 K.Venkataramanappa,
13 H.Anjaneyulu,
Respondents 4 to 13 are impleaded as per court order dt.28.12.95 in W.P.M.P.19534/95.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To call for the records of the 1st respondent in BCW2/7294 dt.3.10.1994 and the 3rd respondent in R.Dis 445/93(A) dt.15.1.94 and issue a Writ of Certiorari to quash them holding as illegal and without jurisdiction and pass.

Counsel for the Petitioner: MR.V.PADMANABHA RAO

Counsel for the Respondent Nos.1 to 3.: GP FOR REVENUE

Counsel for Respondent Nos. 4 to 13: Sri A. PRABHAKARA SARMA.

The Court made the following :

O r d e r:

The order passed by the Commissioner, Land Revenue dated 3-10-1994 dismissing the revision filed by the petitioner herein, in my considered opinion, does not suffer from any legal infirmity. The petitioner failed to show any provision of law under which he could have directly preferred revision before the Government as against the order passed by the Mandal Revenue Officer by-passing the statutory remedies available to him, more particularly under the provisions of the A.P. (Telangana Area) Land Revenue Act, 1317 Fasli.

The only contention that was urged before the Commissioner, Land Revenue and as well as this Court is that the Mandal Revenue Officer on the directions of the District Collector vide his letter dated 23-9-1993 cancelled the transfer of registry order dated 30-11-1992. The Commissioner having perused the said letter found that there were no directions as such issued by the District Collector to pass any particular order but he only examined the representation given by him raising objections as to the transfer of registry by the Mandal Revenue Officer. Therefore, the same cannot be treated as a direction by the

superior authority to the inferior authority in the facts and circumstances of the case.

Be it as it may, the order passed by the Mandal Revenue Officer discloses that the impugned order of the Mandal Revenue Officer was passed after the local inspection and perusal of the records and after providing a reasonable opportunity of being heard in the matter. It is not as if the Mandal Revenue Officer disposed of the proceedings on the directions of the District Collector. The direction, if any, issued by the District Collector was also taken into consideration for the purpose of making an enquiry into the matter. Therefore, the case on hand is not the one hit by the doctrine of passing orders on dictation.

In the circumstances, I do not find any legal infirmity in the order passed by the Commissioner, Land Revenue dismissing the revision petition filed by the petitioner herein with leave to avail such remedies as may be available to the petitioner in law. The order does not suffer from any error apparent on the face of the record requiring this court's interference in exercise of its certiorari jurisdiction. The remedies, if any, available to the petitioner may be left open.

The writ petition fails and shall stand accordingly dismissed. No costs.

_____

B.Sudershan Reddy, J.

12th August, 2004.

grr

C.Cs. to:

1. The Commissioner of Land revenue, A.P. Hyderabad.
2. The District Collector, Anantapur.
3. The Mandal Revenue Officer, Pargi, Anantapur.
4. 2 C.D. copies.
5. Two CCs to the Govt. Pleader for Revenue, HighCourt of A.P. (OUT).